

Message Text

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PAGE 01 BRUSSE 07937 241842Z
ACTION SS-25

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FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 6186
INFO ALL EC CAPITALS

C O N F I D E N T I A L BRUSSELS 07937

EXDIS

USEEC

PASS AMBASSADOR GERARD SMITH

E.O. 11652: GDS
TAGS: ENRG, US, EEC
SUBJECT: U.S.-EURATOM RENEGOTIATION

REF: STATE 102459

1. AMBASSADOR NANTEUIL'S LUNCH WAS EXCELLENT; JACQUEMOT'S
MESSAGE WAS NOT.

2. AFTER A SUPERB LUNCH, AMBASSADOR NANTEUIL SAT ME ON THE
SOFA BESIDE JACQUEMOT, SAYING THE LATTER HAD A MESSAGE FOR
ME AND WASHINGTON. JACQUEMOT SAID THE MESSAGE, WHICH HE
HAD EARLIER CONVEYED TO BRUNNER (ALSO PRESENT AT LUNCH),
WAS THAT THE FRENCH POSITION CONCERNING RENEGOTIATION OF
THE U.S.-EURATOM ACCORDS WAS UNCHANGED; IF ANYTHING, HE
SAID, THE FRENCH POSITION IS "MORE RIGID" THAN BEFORE, AND
THE FRENCH GOVERNMENT IS "UNANIMOUS" THAT, AS A MATTER OF
PRINCIPLE, AGREEMENTS ARRIVED AT INTERNATIONALLY SHOULD
NOT BE SUBJECT TO AMERICAN DOMESTIC LEGISLATION. HE WENT
ON AND ON, AND CONCLUDED WITH THE PROPOSITION THAT THE
PRESIDENT SHOULD FIND A WAY, E.G., EXERCISE A WAIVER OR
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GO BACK TO CONGRESS, TO DEFER THE NEGOTIATIONS UNTIL
AFTER THE CONCLUSION OF INFCE. HE ASKED THAT WE ACCEPT
THIS FRENCH VIEW.

3. IN MY FIRST REPLY, I SAID THAT OF COURSE WE COULD
ACCEPT THE FRENCH VIEW, BUT THAT IN THIS CASE FRANCE AND
EUROPE WOULD HAVE TO ACCEPT THE SIGNIFICANCE OF THE

AMERICAN LEGISLATION WHICH MEANT THAT WHILE WE WERE WAITING FOR INFCE TO TERMINATE AND NEGOTIATIONS TO BEGIN, WE WOULD BE UNABLE TO ISSUE EXPORT LICENSES FOR NUCLEAR MATERIALS. THE ENSUING DISCUSSION WENT BACK AND FORTH OVER OLD GROUND, AND REALLY ADDED NOTHING EXCEPT POSSIBLY CLARIFICATION THAT JACQUEMOT BASES MOST OF HIS CASE ON THE INFCE ORGANIZING CONFERENCE COMMUNIQUE.

4. AFTER SOME TWENTY MINUTES OF DISCUSSION, COMMISSIONER BRUNNER ASKED US IF THE WAY OUT MIGHT NOT BE A BRUNNER VISIT TO WASHINGTON TO DISCUSS THE ISSUE, AND U.S. RECOGNITION THAT THIS CONSTITUTED THE OPENING OF NEGOTIATIONS. I REPLIED THAT WE WOULD ALWAYS BE PLEASED TO RECEIVE THE COMMISSIONER BUT THAT, IN FACE OF KNOWLEDGE OF A FORMAL FRENCH POSITION THAT THERE COULD BE NO NEGOTIATIONS, I DID NOT BELIEVE THAT SUCH CONVERSATIONS COULD BE CERTIFIED BY THE SECRETARY TO THE NRC AS CONSTITUTING NEGOTIATIONS. AMBASSADOR NANTEUIL REMINDED THE COMMISSIONER THAT HE HAD MADE A SIMILAR PROPOSAL TO COREPER LAST WEEK AND THAT COUNTRIES OTHER THAN FRANCE, INCLUDING BELGIUM, HAD OBJECTED. HE MADE CLEAR THAT FRANCE WOULD ALSO OBJECT IF THAT BECAME NECESSARY TO SUCH A COMMISSIONER ROLE "ON A MATTER OF SUCH IMPORTANCE."

5. JACQUEMOT ASKED IF WE WERE CERTAIN OF OUR INTERPRETATION OF AMERICAN LAW, AND REFERRED TO PROVISION IN THE CONFIDENTIAL

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NON-PROLIFERATION ACT GIVING THE PRESIDENT POWER TO ACT IF OTHERWISE THE NON-PROLIFERATION OBJECTIVE WERE TO BE ENDANGERED. I SAID MY UNDERSTANDING WAS THAT THAT PROVISION GAVE THE PRESIDENT AUTHORITY TO CONTINUE NEGOTIATIONS BUT NOT TO LICENSE EXPORTS IN THE ABSENCE OF NEGOTIATIONS. JACQUEMOT, BRUNNER, AND NANTEUIL ALL ASKED THAT I SEEK RECONSIDERATION OF THE LEGAL POINTS. THE ONLY LIGHT--AND I WAS INDEED A FAINT GLIMMER, IF IT WERE ANYTHING--WAS A REMARK BY JACQUEMOT AS WE PARTED, THAT IN THE CIRCUMSTANCES THE PROBLEM WAS A POLITICAL ONE.

6. ACTION REQUESTED: THAT THE DEPARTMENT ONCE AGAIN FIND A WAY TO GIVE THE FRENCH GOVERNMENT AN ANSWER TO THE LEGAL POINTS, THE ESSENCE OF THE QUESTION BEING: IS THERE ANY WAY WE CAN CONTINUE LICENSING WITHOUT COMMUNITY AGREEMENT IN EFFECT TO NEGOTIATE? AS I UNDERSTAND IT, THE ANSWER IS NO. IF THIS IS THE CASE, THAT MESSAGE SHOULD AGAIN BE MADE CLEAR THROUGH SOME CHANNEL TO THE FRENCH GOVERNMENT AND, IN ADDITION, I SHOULD BE AUTHORIZED TO MAKE THE SAME POINT TO COMMISSIONER BRUNNER. HINTON

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